



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4253-99

13 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 26 May 1969 at the age of 17. Your record reflects that on 15 December 1969 you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$25 and extra duty for seven days. On 30 December 1969 you received NJP for a three day period of unauthorized absence (UA) and were awarded a reduction to paygrade E-1.

Your record further reflects that on 16 June 1971 you received NJP for absence from your appointed place of duty. The punishment imposed was an oral reprimand. On 14 July 1971 you submitted a written request for a hardship discharge. Your commanding officer recommended your request be approved even though you had a special court-martial pending for insubordination. Subsequently, the discharge authority directed your commanding officer to issue you a general discharge by reason of hardship. On 3 August 1971, prior to your separation, you received your fourth NJP for absence from your appointed place of duty and throwing a mess tray. The punishment imposed was reduction to paygrade E-2. On 6 August 1971 you were issued a general discharge by reason of hardship.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. The Board also considered your request for a fully honorable discharge and a hearing to further substantiate your request. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge given your substandard military behavior and frequent misconduct, which resulted in four NJPs. Further, board regulations state that personal appearances before members of the Board for Correction of Naval Records are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record. Given all the circumstances of your case, the Board concluded your discharge proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director